

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEPHEN JOHN CASEY, SR.,

Petitioner,

v.

STEVEN O'BRIEN,

Respondent.

Civil Action No. 04-11940-PBS

RESPONDENT'S APPENDIX ACCOMPANYING HIS MOTION TO DISMISS

Pursuant to this Court's Order dated November 10, 2004, Respondent Steven O'Brien (the "Respondent") hereby files this Appendix containing documents relevant to the issue of whether Petitioner Stephen John Casey, Sr. (the "Petitioner") previously exhausted available state remedies with respect to the matters raised by his Habeas Corpus Petition (the "Petition"). The offering of such documents does not imply that the Respondent considers the Petitioner to have exhausted state remedies. In fact, the Respondent takes a position to the contrary, as discussed in his accompanying Motion to Dismiss and Memorandum of Law in Support of His Motion to Dismiss.

Specifically, attached hereto as exhibits are true and accurate copies of the following:

EXHIBIT A. Initial Docket for Commonwealth v. Steven Casey, Case No. 9873-CR-0421 in the New Bedford, Massachusetts, Superior Court ("First Superior Court Docket");

EXHIBIT B. Subsequently Produced Docket for Commonwealth v. Steven Casey, Case No. 9873-CR-0421 in the New Bedford, Massachusetts, Superior Court (“Second Superior Court Docket”);

EXHIBIT C. Docket for Commonwealth v. Steven Casey, Case No. 2002-P-0913 in the Massachusetts Appeals Court (“Appeals Court Docket”);

EXHIBIT D. Docket for Commonwealth v. Steven Casey (No. 1), Case No. SJC-09187 in the Massachusetts Supreme Judicial Court (“SJC Docket”);

EXHIBIT E. Brief of Appellee/Cross-Appellant Steven Casey to the Massachusetts Appeals Court and Supreme Judicial Court (“Petitioner’s Br. to Appeals Court/SJC”);¹

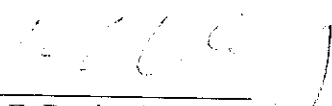
EXHIBIT F. Brief and Record Appendix of Appellant/Cross-Appellee the Commonwealth of Massachusetts to the Massachusetts Appeals Court and Supreme Judicial Court (“Commonwealth’s Br. to Appeals Court/SJC”); and

EXHIBIT G. Reply Brief of Appellee/Cross-Appellant Steven Casey to the Massachusetts Appeals Court and Supreme Judicial Court (“Petitioner’s Reply Br. to Appeals Court/SJC”).

¹ The briefs filed by the parties in the Appeals Court were transferred to the Supreme Judicial Court when the latter Court took the case on its own motion.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL



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Dated: December 24, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Appendix was served on December 24, 2004, by first class mail, postage prepaid, upon:

Stephen John Casey, Sr.
W-67232
North Central Correctional Institute
500 Colony Road
P.O. Box 466
Gardner, MA 01440

pro se



Randall E. Ravitz